

Remarks

The following is a response to the Office Action dated July 24, 2008 and subsequent to the telephonic interview held between the examiner and the undersigned on October 9, 2008. The undersigned hereby extends his appreciation to the examiner for the courtesy he extended to the undersigned during the interview.

Per the above amendment, claim 11 has been amended per discussed in the above-noted interview to overcome the 35 U.S.C. 112, 2nd paragraph rejection.

The pending claims stand rejected under Ford (US 6,551,277), individually, and under Ford in view of Moberg (US 6,362,591) for claim 9.

Being filed with this Amendment is a Rule 131 Declaration by the inventors to swear behind Ford.¹ The appropriate pages of an internal company design specification of the at issue syringe pumps, with the dates redacted, are attached to the Declaration to evidence that the conception date of the claimed invention is earlier than the effective filing date of Ford. That being the case, Ford is not a valid reference against the instant application.

In view of the above, the examiner is respectfully requested to reconsider the application and pass the case to issue at an early date.

¹ The signed copy of the Rule 131 Declaration by inventor Robert Tribe is delayed due to some unknown reason. The attached Exhibit A printout of January 23, 2009 from the Federal Express website shows that the priority envelope containing the signed declaration from Mr. Tribe was picked up from Mr. Tribe on or about January 14, 2009, and that there has been no other movement shown for the envelope since then. As of the date of this response, the undersigned has yet to receive the Federal Express envelope.

As soon as the signed declaration from Robert Tribe is received by the undersigned, it will be submitted to the USPTO.

Respectfully submitted,



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